

ASSEMBLY BILL

No. 780

Introduced by Assembly Member Williams

February 25, 2015

An act to amend Section 25500.1 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 780, as introduced, Williams. Alcoholic beverages: tied-house restrictions: on-sale retailers advertising.

The Alcoholic Beverage Control Act generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from furnishing or lending money or other thing of value to a person engaged in operating, owning, or maintaining an on-sale licensed premises. The act provides that the listing of the names, addresses, telephone numbers, email addresses, Internet Web site addresses, or other electronic media, of 2 or more unaffiliated on-sale retailers selling beer, wine, or distilled spirits, as specified, in response to a direct inquiry from a consumer, as specified, does not constitute a thing of value or prohibited inducement, if specified conditions are met. The act includes among those conditions the requirement that the listing not refer to only one on-sale retailer or only to on-sale retail establishments controlled by the same retailer.

This bill would broaden the exception described above by removing the requirement that the listing refer to two or more unaffiliated retailers or be in response to a direct inquiry, as specified. The bill would also remove the condition that the listing not refer to only one on-sale retailer or only to on-sale retail establishments controlled by the same retailer.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25500.1 of the Business and Professions
2 Code is amended to read:
3 25500.1. (a) The listing of the names, addresses, telephone
4 numbers, email addresses, or Internet Web site addresses, or other
5 electronic media, of ~~two or more unaffiliated~~ on-sale retailers
6 selling beer, wine, or distilled spirits produced, distributed, or
7 imported by a nonretail industry member ~~in response to a direct~~
8 ~~inquiry from a consumer received by telephone, by mail, by~~
9 ~~electronic inquiry, or in person~~ does not constitute a thing of value
10 or prohibited inducement to the listed on-sale retailer, provided
11 all of the following conditions are met:
12 (1) The listing does not also contain the retail price of the
13 product.
14 (2) The listing is the only reference to the on-sale retailers in
15 the direct communication.
16 ~~(3) The listing does not refer only to one on-sale retailer or only~~
17 ~~to on-sale retail establishments controlled directly or indirectly by~~
18 ~~the same on-sale retailer.~~
19 ~~(4)~~
20 (3) The listing is made by, or produced by, or paid for,
21 exclusively by the nonretail industry member ~~making the response.~~
22 (b) For the purposes of this section, “nonretail industry member”
23 is defined as a manufacturer, including, but not limited to, a beer
24 manufacturer, winegrower, or distiller of alcoholic beverages or
25 an agent of that entity, or a wholesaler, regardless of any other
26 licenses held directly or indirectly by that person.